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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,716	RAMSEY, DON
	Examiner	Art Unit
	Yin-Chen Shaw	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 September 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-36 have been submitted for examination.
2. Claims 1-36 have been examined and rejected.

### **Claim Objection**

3. Claim 1 contains typographical error. The semi-colon in the phrase, "with a burner; the method", should be replaced with a punctuation mark, comma.
4. Claims 8-11 are 18-21, and are objected for reciting the term "the data source" without clearly specifying it in the parent claims.
5. Claims 25-26 are objected for minor informality since they are inconsistent with the claim limitation specified in the parent claim.
6. Claim 27 is objected for minor informality since it contains the same limitation as in its parent claim.
7. Claim 12-13 and 15-16 are objected for the typographical error. The semi-colon at the end of the limitations should be replaced with a period.
8. Claims 28 and 29 contain the phrase, " the directory imported from real data" cannot be found in the parent claim that they are depended on. It is not clear whether the dependency described is incorrect or additional claim limitations in the parent claim are missing.
9. Claim 30 contains typographical errors. The letters "n" and "o" are redundant.
10. Claim 31 contains a typographical error. The semi-colon in the phrase, "by claim 1; the", should be replaced with a punctuation mark, comma.

11. Claim 36 contains typographical errors. The letters "p" and "q" are redundant.

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. Claim 31 of the claimed invention are directed to non-statutory subject matter.

Claim 31 recites the limitation on checking if password entries has been five times, if correct ID field exist, and if password entry is correct fails to provide a tangible result. Specifically, a claim which failures in further providing limitations to the circumstance if password entries has not been five times, if correct ID field does not exist, and if password entry is incorrect creates a result that is intangible. Therefore, Claims 31 is rejected under 35 U.S.C. 101 for reciting non-statutory subject matter.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-3, 5-13, 15-22, 24-28, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. Patent 6,490,683) and further in view of Ohgake (U.S. Pub. 2001/0044887).

a. Referring to Claim 1:

As per Claim 1, Yamada et al. disclose a method for encoding a confidential optical disc with a burner; the method comprising the steps of:

receiving signal of creating confidential optical disc to switch burner into a burning mode, receiving a start burn signal to begin data encoding process, and burning buffer to an optical disc and produce a tangible disc [(lines 1-20, Col. 8; Figs. 2 and 3 from Yamada et al.)];

setting a data-accessing password for future verification [(lines 41-46, Col. 19; Figs. 2 and 3 from Yamada et al.)]; and

creating a temporary file system as buffer that includes two stages, creating standard file set and creating parallel file set with real data [(lines 57-67, Col. 22 and lines 1-19, Col. 23 from Yamada et al.)];

Yamada et al. do not expressly disclose the remaining limitations of the claim. However, Ohgake discloses selecting data sources for public viewing and confidential viewing data to be burned on the disc [(lines 1-5 of [0030] and lines 1-14 of [0035] from Ohgake)]. Yamada et al. and Ohgake are analogous art because

they are from similar technology relating to digital information processing and file system format for recording medium. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. to have selected viewing level assigned to different portions of content for different users as disclosed by Ohgake since one would have been motivated to have a method of controlling access to the record medium (lines 2-3 of [0002] from Ohgake). Therefore, it would have been obvious to combine Yamada et al. with Ohgake with Ando et al. to obtain the invention as specified in Claim 1.

b. Referring to Claim 2:

As per Claim 2, Yamada et al. and Ohgake disclose the method of claim 1, wherein the burner is an optical disc writer associated with a computer or other consumer device [(Fig. 13 from Yamada et al.) and (lines 1-5 of [0044] of Ohgake)].

c. Referring to Claim 3:

As per Claim 3, Yamada et al. and Ohgake disclose the method of claim 1, wherein the data-accessing password is placed to a descriptor [(lines 66-67, Col. 19 from Yamada et al.)].

d. Referring to Claim 5:

As per Claim 5, Yamada et al. and Ohgake disclose the method of claim 1, wherein the optical disc is a CDRW [(lines 45-47, Col. 22 and lines 40-45, Col. 4 from Yamada et al.)].

e. Referring to Claim 6:

As per Claim 6, Yamada et al. and Ohgake disclose the method of claim 1, wherein the optical disc is a DVDRW [(lines 45-47, Col. 22 and lines 40-45, Col. 4 from Yamada et al.)].

f. Referring to Claim 7:

As per Claim 7, Yamada et al. and Ohgake disclose the method of claim 1, wherein the optical disc is a DVD RAM [(lines 45-47, Col. 22 and lines 40-45, Col. 4 from Yamada et al.)].

g. Referring to Claim 8:

As per Claim 8, Yamada et al. and Ohgake disclose the method of claim 1, wherein the data source is hard disc [(lines 9-12, Col. 17 and Fig. 13 from Yamada et al.); *where the semiconductor memory can be a hard disc*].

h. Referring to Claims 9, 18, and 25:

As per Claim 9, Yamada et al. and Ohgake disclose the method of claim 1, wherein the data source is CD [(lines 9-12, Col. 17 and Fig. 13 from Yamada et al.); *where the semiconductor memory can be a CD*].

As per Claim 18, the rejection of Claim 12 is incorporated. In addition, Claim 18 encompasses limitations that are similar to those of Claim 9. Therefore, it is rejected with the same rationale applied against Claim 9 above.

As per Claim 25, the rejection of Claim 20 is incorporated. In addition, Claim 25 encompasses limitations that are similar to those of Claim 9. Therefore, it is rejected with the same rationale applied against Claim 9 above.

i. Referring to Claims 10, 19, and 26:

As per Claim 10, Yamada et al. and Ohgake disclose the method of claim 1, wherein the data source is DVD [(lines 9-12, Col. 17 and Fig. 13 from Yamada et al.); **where the semiconductor memory can be a DVD**].

As per Claim 19, the rejection of Claim 12 is incorporated. In addition, Claim 19 encompasses limitations that are similar to those of Claim 10. Therefore, it is rejected with the same rationale applied against Claim 10 above.

As per Claim 26, the rejection of Claim 20 is incorporated. In addition, Claim 26 encompasses limitations that are similar to

those of Claim 10. Therefore, it is rejected with the same rationale applied against Claim 10 above.

j. Referring to Claims 11, 20, and 27:

As per Claim 11, Yamada et al. and Ohgake disclose the method of claim 1, wherein the data source is DVD RAM [(lines 9-12, Col. 17 and Fig. 13 from Yamada et al.); *where the semiconductor memory can be a DVD-RAM*].

As per Claim 20, the rejection of Claim 12 is incorporated. In addition, Claim 20 encompasses limitations that are similar to those of Claim 11. Therefore, it is rejected with the same rationale applied against Claim 11 above.

As per Claim 27, the rejection of Claim 20 is incorporated. In addition, Claim 27 encompasses limitations that are similar to those of Claim 11. Therefore, it is rejected with the same rationale applied against Claim 11 above.

k. Referring to Claim 12:

As per Claim 12, Yamada et al. and Ohgake disclose the method of claim 1, wherein the file system is UDF file system [(lines 7-11, Col. 19 and lines 43-45, Col. 22 from Yamada et al.)];

l. Referring to Claim 13:

As per Claim 13, Yamada et al. and Ohgake disclose the method of claim 1, wherein the file system is ISO 9660 file system [(lines 47-48, Col. 22 from Yamada et al.)];

m. Referring to Claim 15:

As per Claim 15, Yamada et al. and Ohgake disclose the method of claim 12, wherein the standard file set is created according to UDF file system [(lines 7-11, Col. 19 and lines 43-45, Col. 22 from Yamada et al.)];

n. Referring to Claim 16:

As per Claim 16, Yamada et al. and Ohgake disclose the method of claim 12, wherein the standard file set is created according to ISO 9660 file system [(lines 47-48, Col. 22 from Yamada et al.)].

o. Referring to Claims 17 and 24:

As per Claim 17, Yamada et al. and Ohgake disclose the method of claim 12, wherein the data source is hard disc folder [(lines 9-12, Col. 17 and Fig. 13 from Yamada et al.); *where the semiconductor memory can be a hard disc storing different folders and directories*].

As per Claim 24, the rejection of Claim 20 is incorporated. In addition, Claim 24 encompasses limitations that are similar to those of Claim 17. Therefore, it is rejected with the same rationale applied against Claim 17 above.

p. Referring to Claim 21:

As per Claim 21, Yamada et al. and Ohgake disclose the method of claim 12, wherein the data source is sample menu [(lines 9-12, Col. 17 and Fig. 13 from Yamada et al.); *where the semiconductor memory can be a sample menu*].

q. Referring to Claim 22:

As per Claim 22, Yamada et al. and Ohgake disclose the method of claim 12, wherein the descriptor in step of assigning disc address of root directory to descriptor is file set descriptor [(lines 52-64, Col. 23 from Yamada et al.)].

r. Referring to Claim 28:

As per Claim 28, Yamada et al. and Ohgake disclose the method of claim 20, wherein the directory imported from real data in step of importing directory tree of real data from source is placed to a descriptor [(lines 65-67, Col. 22; lines 5-19, Col. 23; lines 53-64, Col. 23 from Yamada et al.)].

s. Referring to Claim 34:

As per Claim 34, Yamada et al. and Ohgake disclose the method of claim 27, wherein if ID field exists in the optical disc in step (e), the method will proceed to step (f); if player can not find the ID field or the ID field does not exist, then player will ignore the password entered in previous step and

return to step (a) [(lines 4-11 of [0037]; lines 3-8 of [0038]; lines 1-4 of [0040]; lines 1-4 of [0041] of Ohgake)].

t. Referring to Claim 35:

As per Claim 35, Yamada et al. and Ohgake disclose the method of claim 27, wherein the player check the password in step (f), if the entered password is correct then the method will proceed to step (g) and play the real data; if the password is incorrect the method will ignore the password and return to step (a) [(lines 66-67, Col. 19; lines 1-2 and 7-13, Col. 20 from Yamada et al.)].

u. Referring to Claim 36:

As per Claim 36, Yamada et al. and Ohgake disclose the method of claim 27, wherein the playing/reading session will end up on the following event:

(i). ejection off optical disc; (j). turning off view confidential data option; (k). turning off player reader [(lines 7-20, Col. 15 from Yamada et al.)].

14. Claims 14, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. Patent 6,490,683) and Ohgake (U.S. Pub. 2001/0044887), and further in view of Ando et al. (U.S. Patent 6,907,187).

a. Referring to Claim 14:

As per Claim 14, Yamada et al. and Ohgake disclose the method of claim 1, wherein the creating standard file set stage further comprises the following steps:

importing directory of data from a data source [(lines 65-67, Col. 22 and lines 5-19, Col. 23 from Yamada et al.)];

creating descriptors that describes the whole file system [(lines 53-64, Col. 23 from Yamada et al.)];

assigning disc address of root directory to descriptor [(lines 28-33, 39-43, and 53-58, Col. 23 from Yamada et al.)];

reading the imported directory tree [(lines 49-51, Col. 22 and lines 35-47, Col. 23 from Yamada et al.)];

converting imported directory and files into optical disc format according to file system [(lines 43-48, Col. 22 and lines 5-19, Col. 23 from Yamada et al.)]; and

assigning disc addresses to directories and file records [(lines 64-66, Col. 22; lines 28-33, Col. 23 and lines 36-41, Col. 20 from Yamada et al.)].

Yamada et al. and Ohgake do not expressly disclose the imported directory of data is dummy data. However, Ando et al. disclose the encoded data may contain dummy portion, which can be imported for recording/playback [(lines 35-41, Col. 14)]. Yamada et al., Ohgake, and Ando et al. are analogous art because they are from similar technology relating to digital information

processing and file system format for recording medium. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with the dummy information disclosed by Andoi et al. since one would have been motivated to have the improvement in and relating to an information recording method of recording video information of an information storage medium and information reproducing method of reproducing the video information from the information storage medium (lines 9-13, Col. 1 from Ando et al.). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Ando et al. to obtain the invention as specified in Claim 14.

b. Referring to Claim 23:

As per Claim 23, Yamada et al. and Ohgake disclose the method of claim 1, wherein the creating parallel file set stage further comprises the following steps:

importing directory tree of real data from source [(lines 65-67, Col. 22 and lines 5-19, Col. 23 from Yamada et al.)];  
getting next available address by reading directory and file records of data to find out where directory tree ends in order to place next descriptor and data [(lines 66-67, Col. 19; lines 28-33 and 53-58, Col. 23; lines 35-38, Col. 24 from Yamada et al.)];

assigning disc address to real root directory and data-accessing password to a descriptor [(lines 66-67, Col. 19; and lines 36-41, Col. 20; lines 64-66, Col. 22; lines 28-33 and 53-58, Col. 23 and lines 36-41, Col. 20 from Yamada et al.)];

reading imported directory tree [(lines 49-51, Col. 22; lines 60-67, Col. 24; lines 1-5, Col. 25; lines 57-62, Col. 28 from Yamada et al.)];

converting real directory and files into optical disc format according to file system [(lines 43-48, Col. 22 and lines 5-19, Col. 23 from Yamada et al.)]; and

assigning disc addresses to directories and file records and assigning data addresses to file records [(lines 64-66, Col. 22; lines 28-33, Col. 23 and lines 36-41, Col. 20 from Yamada et al.)]. Yamada et al. and Ohgake do not expressly disclose the imported directory of data is dummy data. However, Ando et al. disclose the encoded data may contain dummy portion and real portion, which can be imported for recording/playback [(lines 35-41, Col. 14 and Fig. 7)]. Yamada et al., Ohgake, and Ando et al. are analogous art because they are from similar technology relating to digital information processing and file system format for recording medium. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with the dummy

information as well as the real information disclosed by Andoi et al. since one would have been motivated to have the improvement in and relating to an information recording method of recording video information of an information storage medium and information reproducing method of reproducing the video information from the information storage medium (lines 9-13, Col. 1 from Ando et al.). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Ando et al. to obtain the invention as specified in Claim 23.

c. Referring to Claim 30:

As per Claim 30, Yamada et al. and Ohgake disclose the method of claim 1, wherein the step of burning buffer to an optical disc further comprises the following steps:

burning descriptors [(lines 11-15, Col. 24 from Yamada et al.)];

burning directory and file records [(lines 27-28 and 45-48 Col. 24 from Yamada et al.)];

burning data at addresses assigned by file records [(lines 30-33, Col. 24 from Yamada et al.)].

Yamada et al. and Ohgake do not expressly disclose the dummy data. However, Ando et al. disclose the encoded data may contain both real data as well as dummy data [(lines 35-41, Col. 14 and Fig. 7)]. Yamada et al., Ohgake, and Ando et al. are analogous art because they are from similar technology relating

to digital information processing and file system format for recording medium. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with the dummy information disclosed by Andoi et al. since one would have been motivated to have the improvement in and relating to an information recording method of recording video information of an information storage medium and information reproducing method of reproducing the video information from the information storage medium (lines 9-13, Col. 1 from Ando et al.). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Ando et al. to obtain the invention as specified in Claim 30.

15. Claims 4, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. Patent 6,490,683) and Ohgake (U.S. Pub. 2001/0044887), and further in view of Sasaki et al. (U.S. Pub. 2002/0051630).

a. Referring to Claim 4:

As per Claim 4, Yamada et al. and Ohgake disclose the method of claim 1, wherein the data-accessing password is placed anywhere on disc [(lines 41-46, Col. 19 from Yamada et al.)]. Yamada et al. and Ohgake do not expressly disclose the remaining limitations of the claim. However, Sasaki et al. disclose

anywhere on the disc that does not have a piece of data or descriptor's addressing fixed by file system or application layer [(lines 1-7 of [0264] from Yamada et al.)]. Yamada et al., Ohgake, and Sasaki et al. are analogous art because they are from similar technology relating to digital information processing and file system format for recording medium. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with virtual/non-fixed address in the protected area disclosed by Sasaki et al. since one would have been motivated to have a recording medium in which a lead-in area and an overrun protection area, both including an area which records chain volume management information for obtaining end position of an accessible area (lines 7-10 of [0002] from Sasaki et al.). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Sasaki et al. to obtain the invention as specified in Claim 4.

b. Referring to Claim 29:

As per Claim 29, Yamada et al. and Ohgake disclose the method of claim 20, wherein the directory imported from real data in step of importing directory tree of real data from source is placed to anywhere on disc [(lines 65-67, Col. 22; lines 5-19, Col. 23 from Yamada et al.)]. Yamada et al. and Ohgake do not expressly

disclose the remaining limitations of the claim. However, Sasaki et al. disclose anywhere on the disc that does not have a piece of data or descriptor's addressing fixed by file system or application layer [(lines 1-7 of [0264] from Yamada et al.)]. Yamada et al., Ohgake, and Sasaki et al. are analogous art because they are from similar technology relating to digital information processing and file system format for recording medium. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with virtual/non-fixed address in the protected area disclosed by Sasaki et al. since one would have been motivated to have a recording medium in which a lead-in area and an overrun protection area, both including an area which records chain volume management information for obtaining end position of an accessible area (lines 7-10 of [0002] from Sasaki et al.). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Sasaki et al. to obtain the invention as specified in Claim 29.

c. Referring to Claim 32:

As per Claim 32, Yamada et al. and Ohgake disclose the method of claim 27, wherein the password entered in step (c) is the data-accessing password in claim 1 [(lines 6-8 of [0038] and lines 1-6 of [0039] from Ohgake)].

16. Claims 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (U.S. Patent 6,490,683) and Ohgake (U.S. Pub. 2001/0044887), and further in view of Serpa (U.S. Patent 6,954,862).

a. Referring to Claim 31:

As per Claim 31, Yamada et al. and Ohgake disclose a method for reading a confidential optical disc, which is a decoding method for reading optical disc produced by claim 1; the method comprising steps of:

- (a). player reading optical disc data [(lines 1-9, Col. 8 from **Yamada et al.**)];
- (b). receiving view confidential data command signal [(lines 66-67, Col. 19 and lines 1-2, Col. 20 from Yamada et al.) and (lines 1-5 of [0030] and lines 1-6 of [0038] from Ohgake)];
- (c). requesting to enter password [(lines 3-8 of [0038] from **Ohgake**)];
- (e). checking if correct ID field exist [(lines 4-11 of [0037]; lines 3-8 of [0038]; lines 1-4 of [0040]; lines 1-4 of [0041] of **Ohgake**)];
- (f). checking if password entered is correct [(lines 66-67, Col. 19 and lines 1-2, Col. 20 from Yamada et al.) and (lines 1-8 of [0039] from Ohgake)];

(g). playing/reading real data [(lines 66-67, Col. 19 from Yamada et al.) and (lines 6-8 of [0040] from Ohgake)];

(h). ending playing/reading session [(lines 7-9, Col. 15 from Yamada et al.)].

Yamada et al. and Ohgake do not expressly disclose the remaining limitation of the claim. However, Serpa discloses (d). checking if there has been five password entries as checking if limited number of times the password may be retried [(lines 19-20, Col. 4)]. Yamada et al., Ohgake, and Serpa are analogous art because they are from similar technology relating to digital information processing and password for access control. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with determining whether the limited number of times in password tries has reached as disclosed by Serpa since one would have been motivated to increase the security afforded by passwords and to make them easier to use (lines 25-26, Col. 2 from Serpa). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Serpa to obtain the invention as specified in Claim 31.

b. Referring to Claim 33:

As per Claim 33, Yamada et al. and Ohgake disclose the method of claim 27. Yamada et al. and Ohgake do not expressly disclose

wherein if password entries in step (d) is less than five then the method proceed to step (e); if password entries in step (d) is more than five times, the method will ignore any further entries and proceed back to step (a) again. However, Serpa discloses limiting the number of times the password may be retried and ignore/suspend further actions [(lines 19-20, Col. 4)]. Yamada et al., Ohgake, and Serpa are analogous art because they are from similar technology relating to digital information processing and password for access control. It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the system disclosed in Yamada et al. and Ohgake with limited number of times in password tries, such as 3, 4, or 5 times as disclosed by Serpa since one would have been motivated to increase the security afforded by passwords and to make them easier to use (lines 25-26, Col. 2 from Serpa). Therefore, it would have been obvious to combine Yamada et al. and Ohgake with Serpa to obtain the invention as specified in Claim 33.

## Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Hosono (U.S. Patent 7,130,253) discloses a disk drive unit for reproducing information recorded on a digital versatile disk (DVD).

The disk drive unit has a copyright management information reading unit for reading copyright management information from a predetermined location on a DVD loaded into the disk drive unit, a first determining unit for determining whether or not protection exists for contents of the loaded DVD using the copyright management information read from the loaded DVD by the copyright management information reading unit, and a playback speed control unit for controlling a playback speed of the loaded DVD when it is determined that the contents of the loaded DVD are protected using the first determining unit.

- b. Midgley et al. (U.S. Patent 5,485,606) disclose a system and method for backing-up, or storing, user-created files to a magnetic tape, or the like, and for subsequently retrieving, or restoring, selected files. Files that are backed-up utilizing one particular operating system software may be restored by a computer system utilizing a different operating system software to provide forward and backward compatibility. A directory file is created for each user file and is written to the tape. Information specific to the manner in which an operating system treats a file is stored in a first field area of the directory file and information non-specific, or common, to all operating systems is stored in a second field area of the directory file. The operating system of the computer system that backed up a file or set of files is identified on the tape and is compared, during

file restoration, with the operating system of the restoring computer system to determine if the operating systems are the same or different. If the same, then all portions of the directory file are retrieved for combining with the file data information to restore the file. If different, then only the non-specific information in the common field area is retrieved and used in file restoring. Additionally, enhanced reliability is provided by storing data information from the user-created file in a different area of the tape in a data file having a header containing sufficient information to allow reconstruction of the directory file if destroyed or accidentally erased.

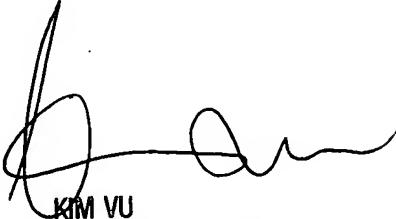
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yin-Chen Shaw whose telephone number is 571-272-8593. The examiner can normally be reached on 8:15 to 4:15 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Yen Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YCS

Dec. 10, 2006



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